G. R. S. IX—5]

Previous references
CB 50-19-142
CB 9-24-142
R.R 290-12-109

1924-5
CB

File No. 29/24
Serial No. 142

Later references
CB 149-24-1104
CB 239-41 (1-2)

P

GENERAL AND REVENUE SECRETARIA..

Serial Nos. 142

Part B for Sept. 1924

SUBJECT

Representation of Mr. S. Venkatakrishnaya Special First Grade Magistrate, for a special personal allowance & permission to count a portion of his service at the Bar for pension

---

To

The Comptroller, Mysore & Govt. Hirs' the Financial Sects.

No. 822 Dy 23/9/24

Directs that a member of the Bar directly recruited as Munsiff be allowed to count as service qualifying for pension the number of completed years by which his age at the time of his appointment has exceeded 25 years subject to a maximum of three years

(For Disposal at a Meeting)

No. C. 63

of 1924-25

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause Xiii of the Schedule)

Representation of Mr. S. Venkatakrishnaiya, Special First Grade Magistrate for a special personal allowance and permission to count a portion of his service at the bar for pension.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

Chief Secretary to Government.

30th August 1924.

Extraordinary Member of Council.

First Member of Council. Seen.

768/30.8.24

Second Member of Council. 21/8

Third Member of Council.

G. R. S. III-2]

General and Revenue Secretariat.

CB File No. 28 of 1924.

149

Serial No.	
1	From The Registrar, Chief Court, no R.O.C. 17 & 24.7.24. forwards for favourable consideration a representation of Mr. S. Venkatakrishnaiya, Special Magistrate, I Grade, Bangalore, for a special personal allowance and for allowing him to count a portion of his service at the Bar to enable him to earn full pension. Mr. W. Madhava Rao (then in charge of Mysore Sub Div.) had been placed on special duty in connection with the trial of the Kamegal riot cases with Head Quarters at Chamarajanagar from 28th Nov 1912 to 11th March 1913; he was given a deputation allowance of Rs 60 per mensem for the period he remained at Chamarajanagar, i.e, from 7th Dec 1912 to 17th January 1913. Mr. K. V. Anantaraman who had been placed on Special duty for trying the Akkur murder case in Channapatna was given a deputation allowance of Rs 90 per mensem for the period he remained at Channapatna as Special First class Magistrate, i.e, from 23rd May to 28th June 1924. In both of the above cases the allowance admissible under Article 555, C.S.R, was sanctioned. Mr. Venkatakrishnaiya's case does not seem to be similar to these cases. under G.O. no 812-13 C.B. 50-19-2 & 17th Dec 1919

NOTE—Contn. sheet.

G. R. S. III-2]

WD 2310—GPB—10,000—31-5-24

General and Revenue Secretariat. C.S File No. 28 of 1924

Serial No.

a member of the bar directly recruited as Sub Judge or to a higher appointment in the judicial Department. ~~as~~ is allowed to count as service qualifying for pension the number of completed years by which his age at the time of his appointment has exceeded 25 years subject to a maximum of 5 years. The Chief Court recommends a maximum of 3 years in the case of munsiffs.

Submitted for orders.

Has there been any change of this sort in Govt India since? I presume not, as Ch. Ct. says nothing yet. MW 5/8

May the Hon. Barrister be consulted about this? Nothing yet. Govt 6.8.24. MW

Govt 4.8.24. MW

Mr Venkatakrishnaiya does not ask for any allce for having tried the Electric Deptt case. He mentions the cases of Mr N. Madhavarao & RV Chentsaraman merely to justify his claim for special consideration.

His request is that he may be allowed to count the years of his work at the bar for calculating his pension.

The matter is for special orders. An Officer whom the Chief Court speaks so well deserves some substantial concession.

As was done in Mr B. Subbarama's application in 1919

NOTE—Conton. sheet.

C 3

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G. R. S. III-2]

WD 2310—GPB—10,000—31-5-24

General and Revenue Secretariat. | C.S File No. 28 of 1924

Serial No.

a general order on the as is recommended by the Chief Court may also be passed permitting persons recruited to the Municipal grade from the bar to add the difference between their age at recruitment and 25 years not exceeding three years to their service for calculating pension.

(Chief Secy) 6/8/24

1281 9.8.24

Papers to the Municipal Secretary for 7/8

Municipal Secretary

to Revenue Deptt

The amendment of Art 278 A has just been received (Flag F). This was passed in pursuance of G.O. dated 17th December 1919 (Flag F).

I venture to submit that Art 278 A is not in accordance with G.O. referred to above and its provisions are very stringent. In the first place it is stated that an officer's whole pensionable service should be passed in Judicial Department. The wording is 'whose whole pensionable service is passed in that Department'. When strictly interpreted it means that the officer may lose the benefit of this rule if he happens to be transferred

NOTE—Contn. sheet.

G. R. S. III-2]

WD 2810—GPB—10,000—31-5-24

General and Revenue Secretariat

C.B File No. 28 of 1924.

Serial No.

to any other Department for exigencies of service. Suppose an officer puts in 15 years' service in Judicial Department and is then transferred to other Department, has he to lose the benefit of this rule? In the present case, if a similar rule be passed in respect of Munsiffs as well, Mr.Venkata-krishnayya may not get the benefit of the period he has been serving as Special Magistrate for it may be argued that technically he is not in Judicial Department. This is not I submit, contemplated by the G.O. referred to above.

Secondly, the benefit applies only to cases of superannuation pension (but not for any other class of pension). This works as a hardship. When Government consider it fair & equitable to grant any other kind of pension it does so only in cases of hardship &c. There is no valid reason to refuse this benefit to such cases.

The recommendation of the Chief Court and of the Financial Secretary may be approved. A general order may have to be passed. In so doing the advantage may perhaps be taken to rectify the defects noticed above and Art.278 A may suitably be amended.

1343
13-8-24

1st member

I do not find the recommendation of the Financial Secretary - Please flag it.

I regret the mistake I made, I consider the initial above the date (Sd) Illegible (illegible).

NOTE—Cotton. sheet.

G. R. S. III-2]

WD 2310—GPP—10,000—31-5-24

General and Revenue Secretariat | C.B File No. 28 of 1924.

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I have find it to be the text of the Varkatesa Iyengar Article. There is thus no opinion of the Text Secretary in the file.

1643 12th number

Yr. Mr. Financial Secretary may kindly consulted

MMW

15/5

Text Secretary with Compts

Mr. Nagappa thinks that Article 278 A is not in accordance with Government Order dated 17th December 1919 on which it is based. The first point to which he refers is that the qualification "whose whole pensionable service is passed in that department" is a stringent provision which, he seems to think, is not supported by the Government Order of 17th December 1919. I would invite attention to Article 403 C.S.R. The concession sanctioned in G.O. dated 17-12-1919 was intended to be "similar to the one contained in Article 403 of the British Indian Civil Service Regulations." The corresponding qualification in Article 403 C.S.R. is "whose whole pensionable service has been passed in one or other of

NOTE—Contn. sheet.

Serial No.

of such offices". The particular offices to which the special privilege is attached are enumerated in this Article. The concession in Mysore is intended only for Sub Judges and other officers holding higher appointments in the Judicial Department. This is distinctly stated in the order of 17th December 1919. It will thus be seen that the qualification "whose whole pensionable service is passed in that department" is fully supported by the Government Order dated 17th December 1919 and Article 403 C.S.R.

Whether the concession should not be allowed to officers who, after becoming entitled to it by being recruited from the Bar to the specified appointments, are subsequently transferred to other appointments is, no doubt, a point for consideration. Cases of this kind are provided for in the Exception under Article 403 C.S.R. subject to the conditions mentioned in it. A similar provision may be made in M.S.R. when the need for it arises.

The second point in which Mr. Nagappa considers that the amendment has departed from the order on which it is based is that the concession is limited to cases of Superannuation Pension. Here again, I would invite reference to Article 403 C.S.R. The concession allowed in this article is only in cases of Superannuation Pensions and in their order, dated

776/p 24

G. R. S. III-2.

General and Revenue Secretariat.

CP File No. 28 of 1924

497

Serial No.

dated 17th December 1919, Government had no intention of going beyond what is allowable under Article 403 C.S.R. The extension of the privilege to other classes of Pensions is undesirable and unnecessary and ought not to be permitted.

Now as regards the recommendation of the Chief Court: The concession of adding three years service to Members of the Bar appointed as Munsiffs is not allowed in British India. I however, think that there is force in the recommendation of the Chief Court that a consideration of this kind should also be extended to practising Lawyers appointed as Munsiffs. The proposal of the Chief Court may, I think be sanctioned.

Jc 392/24

L. L. Scott
Secretary
Not 20.8.24

18/8/24

The Govt have ordered an amendment to R. S. Rule similar to that contained in art 403 of British Indian Civil Service Rules. Exception to Art 403 covers the point raised by me. This is not inserted in Art 27B A. This may have be done as for the point it is for consideration of Govt.

20/8

1580
20-8-24

1st member

P. A.

Deputy Secretary

Financial adviser

20/8

20/8

26.8

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

C.B File No. 28 of 1924

145 8

Serial No.

The question raised involves an alteration of H.S. Regn

Dewan

26-8-

Supra I the Chief court recommendation

If this is accepted it may be a necessary to have your Verification

The whole case may be completed with reading of the C. 26-8

Imperial Representative 27-8

1866/25

1st Member 30/8

Undersecy 3/9

I agree in the proposal to add 3 years of service to officers recommended for promotion from the Bar

I do not know how a good case has been made out for grant of a personal allowance to Mr. S. Venkatachary

Jr 5/9/24

NOTE—Contn. sheet.

C65 9

Extract from the Proceedings of the 708th *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* 4th September 1924. *19*

41. Subject. - Clause v of the schedule.

Representation of Mr. S. Venkatakrishnaiya, Special First Grade Magistrate, for a special personal allowance and permission to count a portion of his service at the Bar for pension.

OPINION OF THE COUNCIL.

The proposal contained in the last para of the Financial Secretary's note dated 18th August 1924 may be approved.

(Signed) A. R. BANERJI,

Dewan of Mysore.

"EXTRACT"

Chief Secretary to Government.

WD 1471—GPB—2,000—1-3-21

Submit to Hon'ble Member for final note.

5/9/24

Final Note signed by the Member is placed in the file

D S W Sectt. 9/9

Dewan 9/9/24

Final Note by the First Member of Council.

Subject:—

Representation of Mr. S. Venkatakrishnaiya, Special First Grade Magistrate, for a special personal allowance and permission to count a portion of his service at the Bar for pension.

Mr. S. Venkatakrishnaiya, Special First Grade Magistrate, has represented that in consideration of the strenuous and faithful service rendered by him, Government may be pleased to add such portion of his service at the Bar to his service under Government to enable him to earn a full pension, grant a special personal allowance or show such other consideration as they may deem fit. In forwarding the representation the Chief Court have stated that Mr. Venkatakrishnaiya is a good and capable officer and that his request for a special personal allowance may be considered favourably in the light of the special treatment, if any, accorded in similar cases. In regard to the question of pension they observe that the concession of adding to the service of members of the Bar directly recruited as Subordinate Judges allowed in Government Order No. 812-13 C.B. 50-19-2 dated 17th Decembe 1919, may advantageously be extended to the Members of the Bar directly recruited as Munsiffs, the addition not exceeding three years in their case.

Page 7 of office Note

The Financial Secretary, who was consulted, stated, in the last para of his note dated 18th August 1924, that the concession of adding three years' service to members of the Bar appointed as Munsiffs was not allowed in British India. At the same time he was of opinion that there was force in the recommendation of the Chief Court and that their proposal might be sanctioned.

Page 9 of do

The matter was considered at the last meeting of the Council and the Council are of opinion that the proposal contained in the

last para of the Financial Secretary's note dated 18th August 1924 may be approved'.

The opinion of the Council may be graciously approved.

Bangalore,
9th September 1924.

MEMBER OF COUNCIL.

12

Submitted to His Highness.

I submit herewith a Final Note by the....FIRST.....

Member of Council on the subject of....representation

of Mr. S. Venkatakrishnaiya, Special First Grade

Magistrate, for a special personal allowance and

permission to count a portion of his service at the Bar for pension *for His Highness' gracious approval.*

Dewan.

7 SEP 1924

63

13

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Representation of Mr.S.Venkata-krishnaiya,Special First Grade Magis-trate,for special personal allowance &c.

191

Order.

~~KRW~~

16/9/24

Chief Secy

16/9

16 SEP 1924

C 63

149

14

General and Revenue
Secretariat.

Representation of Mr. S. Venkata-
Krishnaiya, Special First Grade magistrate
for a Special personal allowance and
permission to count a portion of his service
at the Bar for pension.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to the Members of Council for perusal of

His Highness' orders $\frac{\text{before}}{\text{after}}$ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

17.9.

Chief Secretary to Govt.

Through the Secretary to Government.

.....Department.

2526/17/9.

FIRST MEMBER OF COUNCIL. 15/9

516/18.9

SECOND MEMBER OF COUNCIL.

18/9

~~THIRD MEMBER OF COUNCIL.~~

Draft G.O. is submitted.

19.9.24

(1st member)

2663/20/9.

NOTE—Contn. sheet.

Mono WD 1190—GPB—500 9-1-3.

General and Revenue Secretariat.

G & R File No. 28 of 1924

Serial No.	
A	H 6884/24. Refer H Secy's Note d 18.8.1924 on Pages 6 & 7) Draft & Fair Copies are put up Pson 24.9.24 Hem 24/9/24 To, the Controller H 1797 dated 25.9.24
2	G.O. No 821 & 23.9.24 Directs that a member of the Bar directly recruited as Munsiff be allowed to count as service qualifying for pension the number of completed years by which his age at the time of his appointment has exceeded 25 years subject to a maximum of 3 years.
B	

NOTE—Contn. sheet.

Reply called for vide on 4.9.24

241

Telegraphic Address. "JUSTICE"

CHIEF COURT OF MYSORE

Banaalore, dated 24th July 1924

Roc No. 17

CB 149

0592

FROM

A. SREENIVASARAGAVACHARI, ESQ., B.A., B.L.,
Registrar, Chief Court of Mysore.

CB
25. JUL. 1924

TO

K. Matthan, Esq., B.A.,
Chief Secretary to Government
Bangalore.

SIR,

In forwarding herewith a representation addressed to Government by Mr. S. Venkatakrishnaiya, Special 1st Grade Magistrate, Bangalore, I am directed to state that Mr. Venkatakrishnaiya is a good and capable officer and that there can be no doubt of his claims for preferment being duly and favourably considered by the Chief Court and by Government when his turn comes.

2. As regards his representation for a special personal allowance, I am to request that it may, if possible, be viewed favourably in the light of the special treatment, if any, accorded to other officers for work similar to that referred to in paras 4 and 5 of his memorial.

3. As regards the question of pension, I am to observe that it is one that has to be dealt with at the time of the officer's retirement. The Government have already been pleased to introduce a concession similar to the one contained in Article 403 of the British Indian Civil Service Regulations in the case of members of the Bar directly recruited as Subordinate Judges or to higher appointments in the Judicial Department (vide G.O.No.812-13/C.B. 50-19-2 dated the 17th December 1919);

but

CHIEF COURT OF MYSORE
JUL 4 1924

To

The Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
BANGALORE.

Through the Honorable the Chief Court of Mysore,
Bangalore.

S i r,

I beg leave to Submit the following representation in the hope that it will receive the sympathetic and favourable consideration of the Honorable the Chief Court and of His Highness' Government.

1. After a service of over eight years at the bar, where I enjoyed a very lucrative practice, I entered Government service in the expectation of holding, in due time, a responsible post in the Judicial service of the State. But at the end of eighteen years' strenuous and faithful service and within two years of retiring age, I find myself yet a First Grade Magistrate on Rs.600/-.

2. My character and capacity may be judged by the confidential reports regarding my work which the Honorable the Chief Court have forwarded from time to time and by the extracts from inspection notes submitted below:-

(a) The Inspection Notes of the Chitaldrug Munsiff Court by the then District and Sessions Judge of Shimoga, Mr. Mir Humza Hussain: No.1707-8/343 dated 29-1-1911:

"The Munsiff Mr Venkatakrishnaiya has been working with the same zeal, energy and intelligence

intelligence and his work on the whole is highly satisfactory".

(b) Do. No.1890/625 D J dated 7-3-1912:

"The same level of efficiency has been maintained by the Munsiff in his work in spite of a considerable increase in the file which he has been able to cope with successfully. He deserves, I think, special encouragement for his hard work".

(c) The Inspection notes of the Kolar Gold Field Munsiff's Court by the then District and Sessions Judge Mr. R.B. Plumer, No.717-18/060 dated 6-8-1918:

"The Judicial work by Mr. S. Venkatakrishnaiya both in the quantity of disposal and quality of character continues to be very good. His office control is excellent and his close supervision is manifest in every branch of the office. His work is exceedingly heavy and it is only his quick ability and methodical strenuousness that has enabled him to cope with it".

3. Soon after I took charge of the Second Munsiff's Court at Mysore City in 1913, I discovered a series of frauds in the money transactions of the Court, which had been going on for several years. The guilty official was prosecuted to conviction. I was asked to make a detailed investigation into the accounts, which I had to do in addition to my ordinary work. On the submission of my report, the Government have been pleased to record in J.37744-6-etc. 211-15-2 dated 20-3-1916:

"And notes with satisfaction the appreciation by the Chief Court of the manner in which the inquiry was conducted by the Munsiff Mr. Venkatakrishnaiya".

4. Since my elevation as Subordinate Judge I

have

have had occasion to try in my capacity as Assistant Sessions Judge and more recently as First Grade Magistrate, five Criminal cases of extreme complexity and length involving malversation of public funds. My judgements in the two Bank of Mysore cases and the two B.P.L. department cases have been before the Chief Court and I leave it to the Government and to the Chief Court to judge whether in the trial of those cases I have risen to the occasion in the unravelling of facts, the appreciation of evidence, and the comprehension of the questions of Law involved. The Sivasamudram defalcation case was disposed off only recently and I shall not refer to it as it is still sub-judice.

5. Despite the appreciation of my work recorded by superior officers and the Government from time to time, I have received so far no special treatment or consideration, though, for the enquiry into Kannegal riot and Akkur murder cases, other officers had been placed on special duty and granted special allowances. I have had to try the above cases, each of which occupied several weeks, without prejudice to the ordinary current work of the courts, and the records in the Chief Court for the years 1921-22 and 22-23 will show that in spite of the very heavy criminal work above referred to, the disposals in the Court were actually very much higher than the standard prescribed by the Chief Court. In view of the above facts, I feel I can legitimately ask for some special consideration at the hands of the Government.

6. I have less than two years more of service and as my total service will not be more than twenty years, my pensionary

pensionary emoluments cannot, as things stand, exceed about Rs.190/-, a sum for too small to enable me to live in dignity and comfort during my retirement. Should the Government and the Honorable Chief Court feel satisfied of my character and ability as a public servant, I earnestly and most respectfully request that the considerations set forth above may be viewed sympathetically and the Government may graciously be pleased to add such portion of my service at the bar to my service under Government to enable me to earn a full pension, grant a special personal allowance, or show such other consideration as they may deem fit.

For which act of kindness, I shall in duty bound every pray.

I have thehonour to be,

S i r,

Your most obedient servant,

S Venkatakrishnaiya

Special First Grade Magistrate

Bangalore

3 7/24

G.R.S VI G 34]

SUBJECT:

Diary No. of letter replied to.....

Section C.B

File No. 28-2(

Serial No. 2

General and Revenue Secretariat

Proceedings of the Government of His Highness the Maharaja of Mysore.

192

Date of issue 23/9/24

Signed by Sri. M. Venkatesa Iyengar

May this be

Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Read—

Letter no. R.O.C. 17/24-25 dated 24th July 1924 from the Registrar Chief Court of Mysore, forwarding a representation of Sri. S. Venkatakrishnaiya, Special Magistrate, First Grade, Bangalore, asking for certain concessions and stating that the Judges of the Chief Court consider that the members of the Bar directly recruited as Munsiffs may be shown some concession in regard to their period of service for pension.

Order Thereon No. 821/C.S 18-24-2 dated 23/9/24

Your are pleased to direct that a member of the Bar directly recruited as Munsiff be allowed to count his service qualifying for pension the number of completed years by which his age at the time

Addenda and Corrigenda to Upper Service Regulations.

V. POSTAL.

Page 65. Article 278.

Insert the following as a separate rule under article 278-A introduced by addenda and corrigenda slip No.17 dated 10th August 1924:-

Subject to the general conditions specified above in regard to those appointed as Sub-Judges or to higher posts in the Judicial Department, a member of the Bar, directly recruited as Munsiff, shall be allowed to count as service qualifying for pension the number of completed years by which his age at the time of his appointment has exceeded 25--- years, subject to a maximum of 5 years.

M. Darling

Fl 20 11/S. A 11-24-6
dated 5-10-24

to Financial Secretary to Government.
48

Copy to Chief Secretariat (Confidential Branch)

Sd/-

Sd/-
Asst
6/10/24